

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

DEMARCIS MARCH,

Petitioner

V.

Civil Action No. 5:22-cv-84-RWS-JBB

WARDEN SALMONSON

Respondent.

ORDER

Petitioner Demarcis March, proceeding *pro se*, filed the above-captioned application for the writ of habeas corpus under 28 U.S.C. § 2241, complaining that his good conduct time was improperly calculated. Docket No. 1. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

The Government responded to the petition (Docket No. 7) and Petitioner filed a reply to the answer (Docket No. 11). After review of the pleadings, the Magistrate Judge issued a Report recommending dismissal of the petition. Docket No. 13. A copy of this Report and Recommendation was sent to Petitioner at his last known address, but no objections have been received. The Fifth Circuit has explained that where a letter is properly placed in the United States mail, a presumption exists that the letter reached its destination in the usual time and was actually received by the person to whom it was addressed. *See Faciane v. Sun Life Assurance Co. of Canada*, 931 F.3d 412, 420–21 n.9 (5th Cir. 2019). Because no objections have been filed, Petitioner is barred from de novo review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203- RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021).

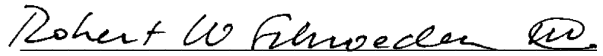
The Court has reviewed the pleadings in this case and the Report and Recommendation of the Magistrate Judge. Upon such review, the Court has determined that the Report and Recommendation of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is

ORDERED that the Report and Recommendation of the Magistrate Judge (Docket No. 13) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-captioned case is **DISMISSED WITH PREJUDICE**. It is further

ORDERED that any pending motions in the above-captioned case are **DENIED**. A final judgment will be entered in this case in accordance with this Order.

So ORDERED and SIGNED this 5th day of February, 2024.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE